

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALONZO JACOBS,

Plaintiff,

DECISION AND ORDER

04-CV-6272L

v.

J. PEED, et al.,

Defendants.

Plaintiff, Alonzo Jacobs, filed the instant complaint, *pro se*, against various officers and officials of the New York State Department of Corrections. The complaint was filed at a time when plaintiff was in the custody of the Department of Corrections.

Because plaintiff had taken no action to prosecute this case for four years, the Clerk issued an Order to Show Cause to plaintiff as to why the case should not be dismissed for failure to prosecute. Plaintiff did respond by letter dated August 24, 2008 (Dkt. #4).


I have reviewed Jacobs' response to the Order to Show Cause, and I find it insufficient to justify the extraordinary delay that has occurred in this case. Plaintiff is now released from custody but has taken no action to properly serve the defendants or otherwise litigate this case. Furthermore, it does not appear that plaintiff has made any attempts to keep the Court advised of his current address. Plaintiff has failed to provide any justifiable reason for not proceeding. If he was truly

interested in this case, he would have taken steps at some time during the past four years to prosecute this action.

CONCLUSION

Plaintiff's complaint is dismissed with prejudice for failure to prosecute.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 4, 2008.